

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Marc D. Kinander
Kristen H. Kinander
aka Kristen Lynn Kinander
Debtor(s)

Bankruptcy Case No.: 18-23425-CMB
Issued Per Mar. 7, 2019 Proceeding
Chapter: 13
Docket No.: 31 - 5, 26
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 27, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 2; First National Bank of PA at Claim No. 3 at payment computed by Trustee; PNC Bank at Claim No. 17 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 12, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Marc D. Kinander
 Kristen H. Kinander
 Debtors

Case No. 18-23425-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 36

Date Rcvd: Mar 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 14, 2019.

db/jdb
 cr
 +Marc D. Kinander, Kristen H. Kinander, 2982 Kestner Avenue, Pittsburgh, PA 15227-2418
 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14906473 +ARM Inc, PO Box 277690, Hollywood, FL 33027-7690
 14906472 +Allegheny Health Network, 565 Coal Valley Road, Clairton, PA 15025-3703
 14906474 +Bay Area Credit Service, PO Box 467600, Atlanta, GA 31146-7600
 14906477 +Chase, PO Box 6294, Carol Stream, IL 60197-6294
 14906478 +Client Services, 3451 Harry S. Truman Blvd, Saint Charles, MO 63301-9816
 14906479 +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell, PO Box 6403, Carol Stream, IL 60197)
 14906480 +First National Bank of Pennsylvania, 4140 E. State Street, Hermitage, PA 16148-3401
 14906481 +Foundation Radiology, PO Box 1198, Somerset, PA 15501-0336
 14906485 +Jefferson Hills Surgical, 1200 Brooks Lane Suite 170, Jefferson Hills, PA 15025-3759
 14906486 Jefferson Hospital, PO Box 3475, Toledo, OH 43607-0475
 14906488 +Mohela, PO Box 105347, Atlanta, GA 30348-5347
 14906492 PNC Bank, PO Box 6534, Carol Stream, IL 60197-6534
 14942746 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14906493 South Pittsburgh Anesthesia, 1699 Washington Road, Suite 307, Pittsburgh, PA 15228-1629
 14910233 +US Dept of Education/MOHELA, 633 Spirit Dr, Chesterfield, Mo 63005-1243
 14906494 +WFFNATBank, PO Box 29482, Phoenix, AZ 85038-9482
 14928981 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14940558 +E-mail/Text: g20956@att.com Mar 13 2019 02:31:41 AT&T Mobility II LLC,
 %AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104,
 BEDMINSTER, NJ. 07921-2693
 14906475 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 13 2019 02:36:51 Capital One,
 PO Box 30285, Salt Lake City, UT 84130-0285
 14934191 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 13 2019 02:36:54
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14906476 +E-mail/PDF: gecsed@recoverycorp.com Mar 13 2019 02:36:48 Care Credit/Synchrony Bank,
 PO Box 960061, Orlando, FL 32896-0061
 14942689 +E-mail/Text: kburkley@bernsteinlaw.com Mar 13 2019 02:31:50 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14906482 E-mail/Text: bk@freedomfinancialnetwork.com Mar 13 2019 02:30:35 Freedom Financial,
 4940 S. Wendler Drive, Suite 210, Tempe, AZ 85282
 14934566 E-mail/Text: bk@freedomfinancialnetwork.com Mar 13 2019 02:30:35 Freedom Plus, Box 2340,
 Phoenix, AZ 85002
 14906483 E-mail/Text: cio.bncmail@irs.gov Mar 13 2019 02:30:47 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 14906487 +E-mail/Text: bk@lendingclub.com Mar 13 2019 02:31:38 Lending Club, Department 34268,
 PO Box 39000, San Francisco, CA 94139-0001
 14929814 E-mail/PDF: pa_dc_claims@navient.com Mar 13 2019 02:36:34 NAVIENT CFC,
 C/O Navient Solutions, LLC., PO BOX 9640, Wilkes-Barre, PA 18773-9640
 14933698 E-mail/PDF: pa_dc_claims@navient.com Mar 13 2019 02:36:34 NAVIENT PC TRUST,
 C/O Navient Solutions, LLC., PO BOX 9640, Wilkes-Barre, PA 18773-9640
 14906489 +E-mail/PDF: pa_dc_claims@navient.com Mar 13 2019 02:36:54 Navient, PO Box 9533,
 Wilkes Barre, PA 18773-9533
 14945804 E-mail/PDF: pa_dc_claims@navient.com Mar 13 2019 02:37:17
 Navient Solutions, LLC on behalf of, Department of Education Loan Services, PO Box 9635,
 Wilkes Barre, PA 18773-9635
 14926965 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2019 02:36:53
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14909034 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2019 02:36:53
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14946300 +E-mail/Text: bncmail@w-legal.com Mar 13 2019 02:31:23 SYNCHRONY BANK,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 14938185 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 13 2019 02:37:19 Verizon,
 by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC Bank National Association
 cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14906484* Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 14906490* +Navient, PO Box 9533, Wilkes Barre, PA 18773-9533
 14906491* +Navient, PO Box 9533, Wilkes Barre, PA 18773-9533

TOTALS: 1, * 5, ## 0

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 36

Date Rcvd: Mar 12, 2019

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 12, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC Bank National Association bkgroup@kmlawgroup.com
Kenneth M. Steinberg on behalf of Joint Debtor Kristen H. Kinander
julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@stei
dl-steinberg.com
Kenneth M. Steinberg on behalf of Debtor Marc D. Kinander julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@stei
dl-steinberg.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 7